

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIAM CROCE,

Plaintiff(s),

vs.

MASSACHUSETTS MUTUAL LIFE
 INSURANCE COMPANY, et al.,

Defendant(s).

Case No. 2:16-cv-02244-RFB-NJK

ORDER

(Docket No. 28)

Pending before the Court is the parties' renewed stipulation to stay discovery pending resolution of Defendant Massachusetts Mutual Life Insurance Company's motion to dismiss. *See* Docket No. 28; *see also* Docket No. 8 (motion to dismiss). For the reasons discussed below, the stipulation to stay is hereby **GRANTED**.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay carries the heavy burden of making a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the potentially

1 dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *Kor*
2 *Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

3 The Court finds these standards met in this case, and therefore **STAYS** discovery pending
4 resolution of the motion to dismiss at Docket No. 8. In the event the order resolving the motion to
5 dismiss does not result in the disposition of this case, the parties shall file within 14 days thereof a
6 joint status report regarding whether discovery should proceed and, if so, a schedule for discovery.

7 IT IS SO ORDERED.

8 DATED: December 9, 2016

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NANCY J. KOPPE
United States Magistrate Judge

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26 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
27 assigned district judge who will decide the motion to dismiss may have a different view of its merits.
28 *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion
is not intended to prejudice its outcome. *See id.*